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CBS News

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THE MEDIA AND THE STATE:

*A View
from the United States
Richard T. Salant*

A LECTURE BY
RICHARD S. SALANT
PRESIDENT OF CBS NEWS
BEFORE THE AUSTRALIAN INSTITUTE
OF POLITICAL SCIENCE
JANUARY 25, 1975

Foreword

CBS News President Richard S. Salant recently went to Australia at the invitation of the Australian Institute of Political Science, to speak in Canberra on the relationship between journalism and the state.

The problems of this relationship long antedate the birth of broadcasting, but broadcast journalism, by its immediacy and by the sense of participation which its eyewitness view of history engenders, has undoubtedly brought new dimensions to a vital aspect of freedom and representative government.

It is time we took a good hard look at the fabric of First Amendment freedom and at the climate in which that freedom must be maintained. Mr. Salant's examination of that climate, and of the roles of both state and press, provides an excellent picture of the challenge which confronts not merely the journalist, but in the larger sense every citizen in a free society.

Arthur R. Taylor
President, CBS Inc.

My assignment, as you will see from the summary in the Australian Institute of Political Science pamphlet, is enormous. Even in terms of subject matter, I shall be able to fulfill my assignment only very partially. Perhaps there will be an opportunity for us, in the discussion period, to explore the subjects which interest you and which I will have disappointed you by neglecting.

You may find much of what I shall say to be debatable. But permit me to advance, at the outset, one proposition which I know to be *not* debatable: my pleasure in being here. I am as flattered as I am delighted.

What I propose to do is to examine, altogether too quickly and imprecisely, the basic outlines of the fundamental relationships between the state—the government—and the media. And I shall define those fundamental relationships, as we belligerent journalists are wont to do, in terms of freedom—the media’s freedom from state ownership, control and regulation. I shall try to examine how, around this diverse globe, these relationships are severally defined and what may be the significance for our society of those definitions. I shall try to examine whether those definitions vary significantly for news and information which is printed, and that which is broadcast via the airwaves—and if those definitions do vary, whether they should.

I will tip my hand right now. The definitions do vary—enormously. And I do not think that they should.

And finally, I shall touch too briefly, because the subject is an immense one, on our own responsibilities—the obligation of all of us in this uncertain business of journalism—a business which has just emerged, as America's greatest 20th Century journalist, Walter Lippmann, has said, from a "minor craft to an under-developed profession."

At the outset, permit me to cavil with that portion of the title of the subject assigned to me which embodies the word "media." I find that an uncomfortable, unattractive, and somewhat demeaning word, and I am not quite sure what it signifies. I suppose I could have learned, wincingly, to have lived with it until the wretched practice grew, at least in my country, of treating it as a singular noun, followed by a singular verb—as in the phrase "the media *is*..." It just sounds more persuasive and solemn to talk about the freedom of "the press," rather than the freedom of "the media." It is the function of the press to gather, and to transmit to the public, news and information on which citizens may, and even sometimes do, act. And surely we in broadcast journalism, too, are engaged in precisely that function. And so indulge me in the privilege, or if you prefer, the

eccentricity, of abandoning the word “media” from here on out, and substituting the word “press” for all forms of journalism, including broadcast journalism. It may take some getting used to, but at the most, the word is more accurate and, at the least, it makes us broadcast journalists feel older, wiser, and better.

With that behind us, let me take you with me on a hasty and unsystematic global trip to see whether we can find out where freedom stands and what it is that divides the world on the issue, and why; and let us think together about whether you in this country, and we in my country, are right in our general belief that press freedom is a good thing and whether, too, we are correctly persuaded—if we are—that many nations and many hundreds of millions of people who have no such freedom are on the wrong course and the world is worse off for it.

Since I do belong to that branch of the press which we call broadcast journalism, let me visually illustrate the issue of press freedom by showing you a film which helps define what we think press freedom is all about, and which those who are a part of the free world believe it most certainly should *not* be.

What you are about to see is a story included in our *Evening News* on July 2, 1974 when then President Nixon was in Moscow for meetings with Brezhnev, and as Mr. Nixon never could, or will, forget, wherever he

that the British press, under its gag rules, its libel laws, and rules of contempt, is only half free because it has only limited freedom of inquiry, whatever its freedom of opinion; as a result, Evans concluded, the British press could not have exposed the Watergate scandal. And your own Graham Perkins, Editor of *The Age*, has said “If the British press is half free, then the Australian press is only a quarter free because of the defamation law.”

There is no precise measurement of how free is free. And judgments about press freedom are most often made by journalists who do tend sometimes to be paranoid—but just as I was recently reminded by one of my correspondents whom I accused of being a hypochondriac when he begged off an assignment that even hypochondriacs are sometimes really sick, so, I am sure, paranoids are in fact sometimes really persecuted.

In any event, in 1966 a group of journalists and scholars devised criteria to measure freedom of the press—they called it PICA—Press Independence and Critical Ability. Using these measurements, they concluded that “a plurality of the world’s nations and the world’s population lives under conditions of press freedom,” and that of the 115 nations considered, 55, representing 1.5 billion people, had “free” press systems. On the other hand, they concluded that a total of 29 countries, representing 1.3 billion people, had “con-

trolled” press systems. Ten countries, representing about 434 million people, were in what they called the “transitional zone.” Thus they concluded that 45.2 percent of the earth’s population lived under free press systems, 39.2 percent lived under a controlled press system, and 13 percent lay somewhere in between.

The same group updated its study for 1967 and concluded that it had been a year “of more losses than gains.” Over 70 percent of the countries measured by the update procedure were reported to have shown varying degrees of loss in press freedom. In that one year there were significant losses of press freedom in Uruguay, Venezuela, Israel, Singapore, Nationalist China and Greece, among others.

Since then, while there have been some recent bright spots, or at least grounds for hope, in such nations as Turkey, Portugal and Greece, there have been other significant losses in press freedom—particularly in Latin America. A prominent British editor recently concluded, “for three-fifths of the world there is no press freedom.”

My colleague Elmer Lower, of the American Broadcasting Company, reported at a recent Symposium on World Press Freedom, that *of the 138 nations which are members of the United Nations, true freedom of the press... does not exist in more than one-fifth of them, roughly 30 countries.*

government that, a few years ago, during an election campaign, the radio system officially known as Radio India, instead was irreverently but accurately referred to as Radio Indira. Similarly in South Africa, at least a part of the print press is free, critical and lively. But South African broadcasting is an instrument of government policy. South Africa, fearful of what television might do to its state policies, has barred it up to now. But the tide can no longer be held back, and television will soon be introduced. One of the criteria the South African government has laid down for television news is this: "in coming to a final decision on the use of broadcasting material, officials must ask themselves whether to broadcast a news item would be in the best interests of the Republic and its constituent population groups." The pattern is repeated elsewhere—in Brazil, in Portugal, in Argentina—where there is some freedom for print, but none for broadcast journalism.

Even in Britain which has developed its remarkable BBC model and whose broadcasting surely ranks among the freest, broadcast news suffers restrictions and underlying patterns which would be unthinkable to apply to print under British traditions. In Britain, broadcasting is currently threatened by the danger of the Labour Party's moving toward far greater control of broadcast journalism. How serious this threat is—whether it is more than a

raised eyebrow—remains to be seen. But more than this in Britain, a fundamental question has sharply arisen about the BBC system—the question, always lurking, but now surfacing, whether true freedom of broadcast journalism can coexist with dependence for its existence on funds allocated by the state. Some serious observers, perhaps unduly suspicious, are persuaded that the refusal of the British government to increase the television and radio receiver license fees, thus forcing a significant cutback in the BBC broadcast schedule, was motivated by party hostility to the performance of the BBC. We had always thought that the British system, where the receiver license fee allocation system provides assured long-term funding—and broadcast journalism like print journalism cannot exist without getting the money from somewhere—was a viable alternative to private funding, insulated from the control inherent in the whims of government grants. But the power of the purse is immense; the control of the purse strings is a tempting one for whoever is in power. I trust that the British traditions of restraint so necessary to separate government and press performance will continue. But we know the dangers are there.

In perhaps more virulent form, we in the United States have been made aware of the dangerous powers of control which inhere in government funding of broad-

casting—including the broadcast press. Three of our nationwide television networks are funded entirely by advertisements. The fourth is the Public Broadcasting System (PBS), operated by the Corporation for Public Broadcasting (CPB), whose members are appointed by the President, subject to confirmation by the Senate. The appropriations on which public broadcasting must subsist are, unfortunately, on an annual basis. They must be voted by the Congress, and approved by the President. No system of sequestered long-term funding has yet been accepted by the government. And so both in theory, at least, and thus far in practice, American public broadcasting must live from hand-to-mouth, faced with the brooding omnipresence, through the purse strings, of government approval, which can be given or withheld on the basis of the whims, impressions and reactions of the Congress and the President. The consequence has been a serious failure of American public broadcasting to realize its journalistic potential. There are no network news broadcasts and there has been a significant reduction of public affairs broadcasts. There has been a climate of pervasive politics which has kept this fine experiment of public television from achieving its promise and its hope. A broadcast journalist who, a year ago, left commercial television for what he was sure were the greener fields of public broadcasting, has recently summed up the situation this way:

It is the political meddling, however, which poses the greatest peril. In the guise of localism, the White House and its agents at CPB have achieved indirectly what they could not achieve directly—namely, a deemphasis of public affairs. It should be noted in passing that CPB was set up to insulate public television from political pressures. Instead, it has become a transmission belt for such pressures and in the process has politicized the system in its own fashion.

But I should not leave the impression that private advertiser-supported American broadcasting is wholly free of governmental control. It is not. Though our broadcast press is as free as any in the world, we are far less free than the print press. When our Founding Fathers adopted the First Amendment flatly forbidding the making of any laws abridging the freedom of the press, there was, of course, no radio and television. Parenthetically, the only nation which I have been able to find which includes broadcasting in its basic assurances of press freedom is West Germany: Article 5, Section 1, of the Bonn Constitution of 1949 provides that

Everyone has the right freely to

express and disseminate his opinion by speech, writing, and pictures and freely to inform himself from generally accessible sources. Freedom of the press and freedom of reporting by radio and motion pictures are guaranteed. There shall be no censorship.

But then, those who embodied this provision in the Bonn Constitution had the advantage of 165 years of history that was not available to America's Founding Fathers who adopted the First Amendment.

One has to wonder, somewhat fearfully, whether our Founding Fathers, had they had the prescience to foresee broadcast journalism, would have enacted so unqualified a protection of freedom of the press. Since we cannot know, I venture to guess they would have.

It is the American Supreme Court, an independent third branch of our Federal government, which, subject to the popular will through the possibility of Constitutional amendments, has the ultimate authority to interpret the Constitution, including the First Amendment.

The U.S. Supreme Court justices—all of them lawyers, though sometimes we wistfully wish there were a few journalists or even political scientists—have, on the whole, done well by us in broadcast journalism. They

have held, repeatedly, that the First Amendment does apply to broadcasting. But the terrible rub is that the justices have held that the First Amendment applies to broadcast journalism in a considerably different way, and to a significantly lesser extent, than it does to the print press. Federal broadcast regulations providing for a right of reply have been held to be permissible under the First Amendment, although very recently, a state-imposed right of reply as applied to newspapers has explicitly been held unconstitutional under our First Amendment.

Even more pervasive, our broadcast press is subject to the “fairness doctrine,” requiring that we devote some part of our schedule to important public controversial issues, and when we do, that we present, with reasonable balance, all significant sides. And under the right of reply decision, the fairness doctrine has been assumed to be constitutional.

All this derives from the basic charter under which American broadcasting operates, and, as far as I can envisage, must operate—a system of Federal licensing of broadcasters in order for them to be able to broadcast at all. A broadcaster’s signal must occupy space in the air, and unless that space—there is not enough to go around—is divided up and allocated to applying broadcasters, there would be such signal interference that nobody could receive a broadcast. At least until cable television, or domestic satellite television capable of

transmitting direct to receivers in the homes, becomes a reality, the proposition that somebody must license broadcasters seems inescapable. And that somebody has to be the Federal government, which grants, decides whether to renew (every three years) or revokes broadcast licenses through the Federal Communications Commission (FCC), a body of seven persons appointed by the President and confirmed by the Senate. A broadcast license can be granted, or renewed, only if the FCC finds the broadcaster has operated, or establishes that he will operate, “in the public interest, convenience and necessity”—a curious and inappropriate set of words which were lifted bodily out of the law which established the Interstate Commerce Commission, at the end of the last century, to regulate railroads.

And so, if the government, through a plurality of the members of the FCC, determines that broadcast journalism has not complied with the right of reply or fairness requirements, it can impose capital punishment by withholding a broadcaster’s license, thus ending his business.

Thus we in the United States have, without really having thought it through, stumbled into an arrangement which is directly antithetical to the principle of our Founding Fathers and of the earliest champions of press freedom: that there can be no such freedom under a

system of licensing. This basic—and I think noble—
notion of the incompatibility between press freedom and
licensing was born out of the experience of the American
colonies with the British government. Those who
founded our nation, we know, adopted the First Amend-
ment aware of John Milton’s enduring precept that there
cannot be a government-licensed free press; they are
contradictions in terms. And yet, if you grant that we are
part of the press, engaged in the gathering and dissemi-
nation of news and information on which men may act in
the exercise of their democratic rights, then we have
turned our backs on the Miltonian precept—for we are a
licensed press.

Our dilemma is compounded by the knowledge of
how empty a bottle, capable of being filled by any noxious
liquid, is the vague and inappropriate standard of public
interest, convenience and necessity. Rumania, where the
press is entirely an instrument of the government,
requires that the press “must, in all its activity, serve the
people, the supreme interests of the socialist nation.
Press freedom could not be used for purposes hostile to
the socialist regime.”

Or is the phrase “public interest, convenience and
necessity” so very different—in potential, though not in
practice or tradition—from the criterion that South
Africa has laid down for television—that news items
must be “in the best interests of the Republic....”?

The trouble is that, potentially, “public interest” is whatever the state says it is. It *can* become the interest of the state or its dominant political party and its bureaucrats; the state’s interest can often be equated, by the rulers, as being synonymous with the public interest.

The second-class citizenship, as far as the American broadcast press is concerned, is frighteningly illustrated by the candid, if inelegant, statement to an interviewer by Kenneth Clawson, President Nixon’s Director of Communications. “I separate out TV from the print media when it comes to criticism,” Clawson said in an interview with Dick Adler, reported in the *Los Angeles Times* on May 14, 1974. “Newspapers are privately owned but we all have a piece of TV’s ass and we’re entitled to do something—although I’m not exactly sure what—if it offends us.” That attitude hardly creates a climate conducive to robust freedom—not when the government of which Clawson was an important official has the licensing power, of life and death, over us. Happily Clawson and his colleagues never quite discovered what they were “entitled to do,” except to use the telephone to our bosses, to make hostilely critical speeches reminding us we are government licensees, to conduct phony investigations of our reporters and to wiretap them, and to encourage the Administration’s friends to try to take the licenses away from those who were their enemies—

for example, the licenses of the television stations owned by the *Washington Post*, which was the leader in exposing Watergate.

But it would be misleading to report that a bottle which is 90 percent full is 10 percent empty. Despite the dangers of the American licensing system, despite the enormous possibilities of abuse, despite the fact that by some still undefined but deeply disturbing lesser First Amendment freedom the Supreme Court seems to say we have than print, American broadcast journalism, by comparative standards at least, and in a considerable measure by absolute standards, *is* free. But the sword of Damocles hangs over our heads and from time to time we think we see it dropping by a few inches. It has not yet fallen and we like to think that although apparently it will hang for as long as we are in business, it will never fall—not on our heads. Yet we must remind ourselves that man can fight most effectively for liberty only while he still has it. We can only hope that those who, through such keys to the doors of our newsrooms as the licensing in the public interest, convenience and necessity, would encourage the state to come into our newsroom, will recall the words of Zechariah Chafee, America's most eminent scholar of the First Amendment, who wrote:

Whenever anybody is inclined to look to the government for help in making the mass media do what we

desire of them, he had better ask himself one antiseptic question: "Am I envisaging myself as the official who is going to administer the policy which seems to me so good?" Justice Holmes remarked that, when socialism came, he hoped he would be "on the committee." You and I are not going to be on the committee which is charged with making newspapers or radio scripts better written and more accurate and impartial. It is very easy to assume that splendid fellows in our crowd will exercise the large powers over the flow of facts and opinions which seem to us essential to save society, but that is an iridescent dream. We must be prepared to take our chances with the kind of politicians we particularly dislike, because that is what we may get.

And so my episodic and hasty journey to glimpse the state of freedom of the press leaves me with a sense of depression. Freedom of the print press is a departure from the norm, and the state of freedom of the broadcast press is very considerably less. But like any global journey, I come back with a few impressions that represent a sum

which totals more than the parts.

Let me share two such impressions. The first may be the product of the parochialism to which Americans, and particularly American journalists, are said to be so prone. It comes as a profound shock to me that just as one of the great English poets said of stone walls, which he concluded a prison do not make, so I learned that Constitutional protections of the press do not press freedom make or assure, or even indicate—nor does the absence of such a Constitutional provision necessarily mean an absence of press freedom. We, born, bred, and working in the United States, assume that unless there is engraven in a basic written charter, such as our Constitution, a statement of strong and unqualified assurance of press freedom, there can be no such freedom, and that, conversely, if it is there, we are given very considerable assurance of such freedom.

But in the course of preparing this lecture, I was driven to the conclusion that if a journalist from Mars dropped in to each nation on this globe to ply his trade, and to report, whether by radio, television or print, for a year without being told whether or not each nation in which he works has a Constitutional or other basic written guaranty of freedom of the press, he would be wrong more often than he would be right. For there seems to be no real correlation between press freedom

and a Constitutional guaranty, on the one hand, or lack of press freedom and the absence of such a guaranty, on the other hand.

You know that from your own press system. You have no Constitutional provision guaranteeing freedom of the press. Yet every study I have seen has ranked Australia among the relative handful of countries which enjoy very substantial press freedom.

So, on balance, does the United Kingdom. Yet it has no Constitution at all or any basic statutes providing for press freedom.

I have found only three major nations where there is a general coincidence between a quite free press and a Constitutional guaranty of such a press. They are West Germany, the United States and France. In France, the print press is free, although, as we have seen, the broadcast press is not. Article 11 of the French Declaration of Rights of Man of 1789 guarantees “the free communication of ideas and opinions as one of the most precious rights of man. Any citizen may therefore speak, write and publish freely except what is tantamount to the abuse of this liberty in the case as determined by law.” The preamble of the 1958 Constitution of the Fifth Republic of France reaffirms that “the French people hereby solemnly proclaim their attachment to the Rights of Man...as defined by the Declaration of 1789.”

But in many other countries, there is a sharp contrast between legal assurance of a free press and the fact of major state control. In much of Latin America, for example, there is a large gap between constitutional or basic charter declarations on the one hand, and practice on the other. The constitutions in Latin America are, in general, patterned on a democratic ideology which often specifies freedom of the press. But today three out of every four people in Latin America are living under military rule where the constitutional rights of freedom of the press have simply been negated by military governments, whether of left or right. In Cuba, the 1940 democratic constitution provided for freedom of the press. After Castro, there was no such freedom; there was no such constitution; there is no such press.

As in Latin America, so is it in much of Africa, where, as L. K. Jakande, Managing Director, African Newspapers of Nigeria, Ltd., and past Chairman of the International Press Institute, has noted, the legal and constitutional framework in which the African press operates is West-oriented. "Invariably," Jakande reports, "the constitution provides for the freedom of expression or specifically guarantees the right to freedom of information." But, he states, "in spite of these guarantees, there are enormous legal restrictions to the exercise of press freedom in literally every African country."

Perhaps the most dramatic examples of conflict

between basic written charter on the one hand, and practice on the other, are represented, as you may have guessed, by the U.S.S.R. and the People's Republic of China. Article 125 of the Soviet Constitution, adopted in 1936, provides that all citizens are granted freedom of the press, yet we know that except for Samidzat—the underground hand-to-hand dissidents' press—there is no free press. The U.S.S.R. press, as Stalin put it, “is the instrument through which the Party speaks daily, hourly.... No other means such as this for weaving spiritual ties between Party and class, no tool so flexible, is to be found in nature.” So, too, Article 87 of the People's Republic of China's Constitution provides “citizens.... have freedom of speech [and] freedom of the press.... [B]y providing the necessary material facilities, the state guarantees to citizens enjoyment of these freedoms.” But we know that in the People's Republic there are no such freedoms.

That there can be considerable press freedom without a Constitutional guarantee, and conversely, that there can be no press freedom even where there is a Constitutional guarantee, are hard conclusions for us in the United States. We look to our First Amendment as the linchpin of our press freedom. We assume, mistakenly, that those nations which have no First Amendment or its equivalent can have no significant press freedom.

Still, all of us in the American press, and all Americans who think freedom of the press is vital to a free democratic society, feel far, far better for having a First Amendment; we would despair were it repealed. It is, we believe, much more than a security blanket. The First Amendment gives us something to point to, something to argue and some place to go—the United States Supreme Court, our independent third branch of the government. And most of the time, in most satisfactorily eloquent terms, efforts of the government or others to diminish press freedom in my country have been turned back by the Supreme Court. Not all the time. But most of the time is almost infinitely better than none of the time. And it is comforting, and effective, that an independent third branch of our government—the Judiciary—weighs against the First Amendment whatever efforts we think the Executive and Legislative branches make to diminish the First Amendment guarantees.

This leads to my second conclusion which has emerged, for me, so obvious that only its basic importance warrants my referring to it at all to a group like this. That conclusion is that even though my Martian journalist could not tell, on the basis of working in each nation for a year, whether there is a constitutional protection of freedom of the press, he would quickly know, in a matter of days, from working in the journalis-

tic vineyards of each nation, what its system of government and societal arrangements are. For there is no democratic society in which the people are the source of ultimate power through free elections of their governors, without freedom of speech and of the press. Conversely, where there is total or almost total government control of the press, there is no free society and no democratic system of government. Rather there is totalitarianism—central dictatorship of one kind or another—whether military or civilian; whether left or right.

It is for this reason that it is so appropriate and welcome that the issue of freedom of the press, of relations between the state and the press, is being discussed at this seminar not, as too often it is, *by* journalists *to* journalists, but rather under the auspices of an association of political scientists. Too often, too many people, including us journalists, regard discussion of freedom of the press as shop talk. At least in the United States, and I suspect in many other countries as well, a great many citizens are bored and angry when journalists talk about press freedom. They regard it as something of no concern to them, of concern only to newsmen and even then of concern only for selfish reasons—to permit us to indulge ourselves, to wrap ourselves in the flag of freedom for special privileges for ourselves.

But a free press involves a great deal more than our own private and personal rights. Newsmen are only

surrogates for the whole of a societal system. It is basic to the choice and nature of what sort of political system all of us will live under. For it is fundamental to a free democratic society that each individual citizen will make the ultimate decisions of how he is to be governed, and by whom. The citizen can do so sensibly only if he has the information on which to make his political choices. There is no systematic way he can do this except through the press.

In turn, the press can serve the society in which it operates only if it recognizes the individual citizen's right to know. *That* is our responsibility. Only if we select and transmit as professionally and as objectively as we know how, the important facts and contentions and viewpoints of others can the citizen make his choices on an informed basis. As Thomas Jefferson said:

I know of no safe depository of the ultimate power of the society but the people themselves, and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them, but to inform their discussion by education. This is the true corrective of the abuses of constitutional power. Whenever the people are well informed, they

can be trusted by their own government.

Or as James Madison put it: *A popular government without popular information or the means of acquiring it is but a prologue to a farce or tragedy or perhaps both.*

And so what it really comes down to is that press systems are little more than reflections of the sociopolitical philosophy under which they exist. As Lord Windlesham said: "Freedom of the press is a state of affairs as well as a state of mind."

If one believes in a free democratic society, there *must* be freedom of the press. If one believes that the best form of government is the one that decides, pervasively and comprehensively, precisely what the national interest is and dedicates itself to assuring that only that will be read and seen and heard which comports with the state's definition of the national interest, then a free press is a subversive notion indeed.

That is really why the free press issue is still unresolved after 30 years of consideration by the United Nations. It is because the question of freedom of the press is not peripheral; it is fundamental. It is the choice between antithetical systems of government. It is

a choice between freedom, including freedom to be absurd, to be wrong, to be bull-headed, to be exasperating, on the one hand, and on the other hand, to be “responsible”—but only as defined by the state.

And here let me stop just briefly—because I am overrunning my time—to express a concern, or at least a doubt, how deep the popular support, even in a democratic society, for a free press really runs. Is the people’s right to know, which must be the objective of a free press, a right upon which the people insist, or have we in journalism, in political science, and in the judiciary, thrust it upon indifferent, if not unwilling beneficiaries?

There is disturbing evidence that we newsmen care about press freedom a good deal more than the people do. At the outset of my talk, I showed you the story we did out of Moscow when the Russians blacked us out. I was appalled, after that broadcast, to receive a number of letters from American viewers who I am sure were certain that they were good Americans who believed in the Constitution of the United States, including its First Amendment. One viewer wrote: “Five bravos and three cheers to the Russian network for pulling the plug on smart aleck reporters from the U.S. We, the people of the United States, only wish we could do the same here.” Or, more briefly, “I’m glad the Soviets pulled the plug on news media.... If authorities would do the same in this country, we would all be better off.”

A few years ago, CBS News commissioned an opinion survey to determine public attitudes toward our Constitution's Bill of Rights—which includes the First Amendment. But since almost everybody is in favor of the Bill of Rights in the abstract, we did not identify it. Rather, we asked questions about concrete situations which the Bill of Rights clearly encompasses. And so we asked, "Except in time of war, do you think newspapers, radio and television should have the right to report any story even if the government feels it is harmful to our national interest?"

Of course, the First Amendment says yes. But only 42 percent of the respondents said that the press *should* have the right to report such stories. A clear majority—55 percent—said that the press should *not* have any such right.

If these letters and these public opinion survey results are accurate reflections, they are profoundly disturbing. For we have seen that press freedom is societal—flowing not only to, but from, the people, and written documents are not the final word. Rather, what provides the ultimate base for true press freedom is the presence of a tradition, a compact, a national convention, a delicate gentleman's agreement. And it may be all too precarious a base. For as Alexander Hamilton wrote in one of his Federalist papers, . . . *whatever fine declara-*

tions may be inserted in any constitution respecting it [freedom of the press], must altogether depend on public opinion and on the general spirit of the people and of the Government.

More recently, Harold Evans put it another way:
We may never persuade politicians fully of our role, but it is at our peril if we fail to persuade the people.

Our footing may not be at all sure. And it is here that we reach the other side of the coin of press freedom—the journalist’s responsibility to the people. How do we conduct ourselves “to persuade the people,” as Evans put it, and what are the limits of our cutting our sails to persuade them?

It is that question that, in one way or another, I shall be dealing with in the remainder of this lecture. Mass media sociologists are unwilling to go any further than to say that *some* messages in the mass media may persuade *some* people in *some* ways. Essentially, however, they seem to propose that mass media are instruments of reinforcement rather than conversion and persuasion, and that the masser the medium, which surely means television, the less likelihood of its effect of conversion. But politicians, journalists and, I suspect, most political scientists proceed on a contrary assumption. All

assume, and I think they should, that our power and our impact are great and that, therefore, we indeed have immense responsibilities.

But I propose that while it is proper that press freedom and press responsibility be discussed together, the former must not depend on the latter. If the history of our First Amendment establishes anything, it is that the right of the press to be free does not hinge on a precedent governmental finding that the press is responsible. Again Harold Evans said it well: . . . *we must resist the idea that only the perfect Press is entitled to be free. The right to be free means the right to be free.*

Earlier James Madison made the same crucial point: *Some degree of abuse is inseparable from the proper use of everything, and in no instance is this more true than in that of the press. It has accordingly been decided by the practice of the States, that it is better to leave a few of its noxious branches to their luxuriant growth, than, by pruning them away, to injure the vigor of those yielding the proper fruits. And can the wisdom of this policy be doubted by any who reflect that to the press*

alone, chequered as it is with abuses, the world is indebted for all the triumphs which have been gained by reason and humanity over error and oppression?

This leaves to us an awesome burden, an immeasurable responsibility. By definition, freedom of the press precludes accountability to the state. That leaves accountability to the people. Yet, as so many who write letters to us ask, “Who elected you?”

It is a fair question. Nobody elected us—not by ballot. Yet every newspaper and every broadcast news organization is voted on every day by every citizen who chooses whether to buy or not to buy, to read or not to read, to tune us in or tune us out. In that sense we *are* elected by them because if they do not vote for us, we are out of business—as thoroughly as if the state shut us down.

Yet there we meet another of these paradoxes which keep on cropping up in considering questions of free press. Because, although we are thus accountable to, and held to account by, the people, if the press is to maintain its integrity, there are limits beyond which no self-respecting newspaper or broadcaster should go to achieve the popular vote of purchase or attention. For much of great journalism involves the reporting of disagreeable and unsettling facts and unpopular causes. Journalism worthy of the name cannot consist of holding

up one's finger to determine which way the wind is blowing, and to let the wind make the journalist's news judgments for him. Profiles in courage are not drawn, in journalism or in politics, by wet fingers. Journalism simply ceases to be journalism when it marches to the loudest drums of the moment. As William Lloyd Garrison, a great and courageous editor, said during the controversy over slavery in the United States in the middle of the last century, "The success of any great moral enterprise does not depend on numbers."

In this important sense, we are, I suppose, arrogant and elitist. For it leaves to us, and our consciences, the crucial determination of what is news and what is not, and hence what people should see and hear and read and know. Yet if the press is to be free, on the one hand, and not pander to popular appetites, on the other, there is no alternative to our exercising these responsibilities ourselves as best and as conscientiously as human fallibility permits.

I suggest that the fulfillment of our own responsibility starts with a genuine sense of humility. An effective antidote to the arrogance of power is the self-recognition of fallibility, our ever keeping in mind that newsmen, too, can, and indeed do, make mistakes of fact and of judgment. And when we do, we must be, as often as we are not, ungrudging in our public admission of error.

And we must do another difficult thing that goes against the grain of human nature: We must be more receptive to criticism. Again, as Harold Evans has said: *...we cannot desert the battlefield when the argument is joined and retreat to fortresses from which we hurl boiling oil at all who question us, beating meanwhile the hairy chest of journalistic prerogative.*

This is not to say that we ought lose all sense of judgment and discrimination in respect to criticism. We still must keep in mind that criticism so often comes from those with special interests who insist that the only unbiased news is the news that they like to hear in the quantity they like to hear it. But we must remember that special interest criticism may just possibly have the germ of validity. After all, a democratic society is an aggregation of different special interests.

And we must put aside the tiresome notion that nobody has a right to look over our shoulders. On the contrary, everybody has a right.

Most important of all, we should renew our dedication to what some, but not I, think is the old-fashioned notion that the most important protection

against arrogance, elitism, and imposition of personal views is journalistic objectivity. Objectivity is as hard as it is vital to strive for. Each journalist, like all other people, is the product of his heritage, his education, his environment. Journalists especially are likely to have their own set of biases, for their job is to live in, and report on, the real world; if they are human beings—and most of us are—we are bound to reach conclusions as to who and what are good and who and what are bad.

But what a professional newsman is paid for—and indeed what makes him professional at all—is his ability and readiness to recognize his own biases and compensate for them when he reports, or edits, or selects the stories to be run. We must be skeptical, but not cynical, persistent, but not bullying, and we must be just as persistent with, and skeptical of, those whom we admire and agree with as those we dislike and disagree with. We must be just as ready to report the views that we find unpalatable as those we find agreeable.

Our sole test must be how newsworthy — how important — the event or the newsmaker is. We must be just as ready to expose the Watergates of the administrations whose policies we may find compatible with our views and whose spokesmen we like, as we are to expose the Watergates of those who appear to us to be villainous.

And we must guard against self-satisfaction and extremism in the wake of what most people agree was the triumph of the free press—the Watergate story. We surely agree, but there are many who do not, with the recent evaluation by Supreme Court Justice Potter Stewart of the American press’ reportage of Watergate that the press “has performed precisely the function it was intended to perform by those who wrote the First Amendment of our Constitution.”

But we must not let the triumph of Watergate spoil us: we must remind ourselves that nothing exceeds like success. Of course, we have adversary and watch-dog roles vis-à-vis the government. Of course we should expose the corruption. But that is not all of our function. We must not only investigate and expose, we must also report and transmit. Journalism prizes go to the investigators, and they should. History remembers the muckrakers, and it should. But journalism still also includes the reporting of what happened and what people say and what people do.

These are only some of the components of the responsibility of a free press. If this kind of responsibility is ungrudgingly *self-imposed*, I would hope that the notion of a free press will vindicate itself, and bring about its expansion. Left, as it is, largely to the individual practitioners, the free press system is indeed an imperfect one. But, as Churchill said of democracy, consider the

alternatives—which are so much worse.

The free press will survive only if we in the press dedicate ourselves to demonstrating that free press works. All of this is difficult. But if the notion of a free press is to survive, it is imperative.

We shall not always succeed, but unless we try as hard, as conscientiously, and as willingly as we know how, we will never succeed. And as I hope you will agree, the stakes are too high for us to fail.

The stakes are nothing less than a free society itself.

CBS NEWS

The Australian Institute of Political Science is an independent and non-partisan body which was formed in 1932 to provide a forum for the study of political, economic and social problems affecting Australia. Its genesis arose from the concern of thinking people in the community with the causes of the World Depression and the social problems it created.

The main feature of its year is the annual Summer School held in Canberra, the nation's capital. Attended by about 1,000 individuals drawn from politics, industry, academia, commerce and the professions, its highlight is the keynote speech by an overseas visitor of stature.

For the 1975 seminar dealing with "The Media," the quite obvious choice for this task was Richard Salant. His work at CBS News and his involvement in the continuing battle between authoritarian bureaucrats and the proponents of a free press clearly establish his credentials. The paper which follows is the distillation of his wisdom and I commend it.

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